

REMARKS / ARGUMENTS

The present application includes pending claims 1-32, all of which have been rejected. Claims 1, 11, and 21 have been amended to further clarify the claim language and further prosecution. The Applicant respectfully submits that the claims define patentable subject matter.

Claims 1-9, 11-19, 21-29, and 31-32 stand rejected under 35 U.S.C. § 102(b) as being anticipated by USP 5371738 (“Moelard”). Claims 10, 20 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Moelard and further in view of USP 7200673 (“Augart”). The Applicant respectfully traverses these rejections at least for the reasons previously set forth during prosecution and at least based on the following remarks.

REJECTION UNDER 35 U.S.C. § 102

I. Moelard Does Not Anticipate Claims 1-9, 11-19, 21-29, and 31-32

The Applicant first turns to the rejection of claims 1-9, 11-19, 21-29, and 31-32 under 35 U.S.C. 102(b) as being anticipated by Moelard.

With regard to the anticipation rejections under 102, MPEP 2131 states that “[a] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” See Manual of Patent Examining Procedure (MPEP) at 2131 (internal citation omitted). Furthermore,

“[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” See id. (internal citation omitted).

A. Rejection of Independent Claims 1, 11, and 21

With regard to the rejection of independent claim 1 under 35 U.S.C. § 102(b), the Applicant submits that Moelard does not disclose or suggest at least the limitation of “identifying a location of a network device within the hybrid wired/wireless network, the network device being movable within the hybrid wired/wireless network,” as recited by the Applicant in independent claim 1. The Office Action states the following:

Regarding claim 1, Moelard discloses a method for providing location based configuration in a hybrid wired/wireless network, the method comprising:

- identifying a location of a network device (identifying the location of the mobile wireless station (MWS), see 30 fig.7 and col.2, ln.56-59) within the hybrid wired/wireless network (fig.7), the network device being movable within the hybrid wired/wireless network (mobile wireless station, see 30 fig.7);
- determining configuration information (switch MWS to BS2 for handover, see 216 fig.11) corresponding to the determined location of the network device (identifying the location of the mobile wireless station, see 30 fig.7 and col.2, ln.56-59); and
- communicating the determined configuration information to the network device (request and response regarding to the location of MWS, see 218-212 fig.11) for providing location based configuration of the network device (switching the MWS to BS2, see 224 fig.11).

See Office Action at page 3. The Office Action relies on col. 2, lines 56-59 of Moelard, which simply discloses that each base station may maintain a dynamic filtering database with locations of the mobile terminal **in relation to the base station**. However, Moelard does not disclose that finding the coverage area of the base station

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is equivalent to identifying a location of the mobile device, or that the location of the base station is used in any way to identify the location of the mobile device. There is simply no determining of the location of the mobile device within the network.

Furthermore with regard to the rejection of independent claim 1 under 35 U.S.C. § 102(b), the Applicant submits that Moelard does not disclose or suggest at least the limitation of “determining, outside of said network device, configuration information for said network device, said configuration information corresponding to said determined location of said network device,” as recited by the Applicant in independent claim 1. The Office Action relies for support on Fig. 11 (step 216) of Moelard, which illustrates a flowchart of the operation of the mobile wireless station during a hand-over procedure. Initially, the Applicant points out that making the handover decision (step 216 in Fig. 11; switching the MWS to BS2) has nothing to do with determining configuration information for the MWS. **Even if we assume, arguendo, that making the handover decision is somehow equivalent to determining configuration information, the Examiner’s argument is still deficient. More specifically, Moelard discloses that the handover decision is, in fact, made by the MWS itself, not outside of the MWS (See Moelard at col. 6, lines 32-34).** In this regard, it is not possible, under Moelard, for such handover decision (equated by the Examiner to Applicant’s “determining ...configuration information”) to be made outside of the MWS, as recited in **Applicant’s claim 1.** In addition, there is no disclosure in Moelard that the determined “configuration information” is based on the location of the network device.

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Therefore, the Applicant maintains that Moelard does not disclose or suggest at least the limitation of “determining, outside of said network device, configuration information for said network device, said configuration information corresponding to said determined location of said network device,” as recited by the Applicant in independent claim 1.

Furthermore with regard to the rejection of independent claim 1 under 35 U.S.C. § 102(b), the Applicant submits that Moelard does not disclose or suggest at least the limitation of “communicating said determined configuration information to said network device for providing location based configuration of said network device,” as recited by the Applicant in independent claim 1. The Examiner, again, relies on the flowchart of Fig. 11. As already explained above, all the decisions regarding the handover process are made within the MWS, not outside of the MWS. The Examiner has already equated the “determined configuration information” to the determination made in step 216. However, such determination is made within the MWS and it cannot be communicated to the MWS, as alleged by the Examiner.

Accordingly, independent claim 1 is not anticipated by Moelard and is allowable. Independent claims 11 and 21 are similar in many respects to the method disclosed in independent claim 1. Therefore are, the Applicant submits that independent claims 11 and 21 are also allowable over the references cited in the Office Action at least for the reasons stated above with regard to claim 1.

B. Rejection of Dependent Claims 2-9, 12-19, 22-29, 31 and 32

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 11 and 21 under 35 U.S.C. § 102(b) has been overcome and requests that the rejection be withdrawn. Additionally, claims 2-9, 12-19, 22-29, 31 and 32 depend from independent claims 1, 11 and 21, respectively, and are, consequently, also respectfully submitted to be allowable.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 2-9, 12-19, 22-29, 31 and 32.

II. The Proposed Combination of Moelard and Augart Does Not Render Claims 10, 20 and 30 Unpatentable

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 11 and 21 under 35 U.S.C. § 102(b) has been overcome and requests that the rejection be withdrawn. Additionally, since the additional cited reference (Augart) does not overcome the deficiencies of Moelard, claims 10, 20 and 30 depend from independent claims 1, 11 and 21, respectively, and are, consequently, also respectfully submitted to be allowable at least for the reasons stated above with regard to allowability of claim 1. The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 10, 20 and 30.

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CONCLUSION

Based on at least the foregoing, the Applicant believes that all claims 1-32 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and requests that the Examiner telephone the undersigned Attorney at (312) 775-8176.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

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